



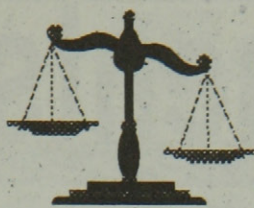
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Volume XV, No.11

UNIVERSITÉ MCGILL FACULTÉ DE DROIT
MCGILL UNIVERSITY FACULTY OF LAW

30 Janvier 1995

January 30, 1995

This Issue is Dedicated to (and in Support of) the "Jutras" and "Boodman" Proposals

Lawyer!

Katia Opalka
B.C.L. II

An important lesson of law school, one that practitioners especially try to convey to us, is the role of reputation in the practice of law. We've all heard it said: "it takes twenty years to build it up, and twenty seconds to lose it". Another lesson, more recent and inescapable, is that the reputation of the legal profession, in the eyes of the public, is not what it used to be. I am writing to you because of an insight I had on the weekend. It's about being called a feminist by law students and professors at McGill.

The word doesn't bother me. It's like "humanist", but you've identified whether you're M or F. The question is

why, if I think of myself as being a feminist, I don't want you to call me one. The answer is that at this school, that label is a Denver boot on my credibility. Who cares? Well, I do, because it is, after all, my reputation, and it makes me melancholy to think that instead of being an asset to my law school I might be an embarrassment to it.

So what do I want? I want people to understand that being called a feminist by someone who doesn't like feminism is like being called a lawyer by people who don't like lawyers. You can laugh it off, but it's still insulting, especially since you work very hard in school and in the profession to be the best lawyer you can be, to serve your clients, to uphold justice, and to benefit society as a whole through your

expertise. You know what it means to study like mad, and you're already anticipating the enormous satisfaction you'll feel if and when you pass the bar exam. So you know how annoying it is that someone, even someone you like, can turn the word "lawyer" around on you, and no matter how strong your conviction that what she's implying is false, the accusation of being selfish, conceited, and immoral, all of which she conveys in the way she says "lawyer", still manages to make you angry, especially because you're pretty sure that she, as a non-lawyer, probably doesn't know what she's talking about.

I tend to think that hostility towards us, feminists and lawyers, that is, has a lot to do with the recession. The question is whether we can weather it under one roof.

Fourth Private Quickie

Adam Atlas
B.C.L. II

Just when you thought your private information was safe, in walks the friendly glad-man from Quick Law. We can agree that Quick Law is a very useful research tool and that it does make sense that we should get used to using it now because it will mean that we will learn to rely on it and use it heavily when our clients are

paying for it, which will jack up their already astronomical legal fees and keep the sinking Canadian economy afloat.

Quite apart from being buttered up by the glad man from Quick Law so that we may do our bit for the Canadian economy, I wish to take exception to the fact that we have credits riding on our having to use the QL system and in order to use the

(Continued on page 10)

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Announcements / Annonces

GLOBAL CITIZEN WEEK

AIESEC McGill is holding a Global Citizen Week between February 6-10, 1995, to provide a forum for discussion on issues occurring around the world today. All faculties are invited to attend. Topics of interest may include human rights, self-government, border conflicts, business ethics, among others.

CALL FOR ARTISTS!

The LSA will furnish one artist from each year with a large canvas to paint. These four works will decorate the west wall of the pool room. All interested persons can call Adam at 935-5995 for more information.

ENVIRONMENTAL LAW ASSOCIATION

The Environmental Law Association of McGill (ELAM) will be holding this year's inaugural meeting on Thursday, February 2, 1995 at 4 p.m. in Room 201. Anyone interested in becoming involved as an Executive Committee or general member is invited to attend.

NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES...

A revised list of students graduating in June 1995 is posted on the bulletin board behind the OUS. Please take the time to check your name, degree/s expected for accuracy. All problems should be brought to the attention of Christine Gervais, Room 109.

Course Verification Week is 6-10th February inclusive. As usual, the

porter's desk outside Moot Court will be set up daily from 10:00-16:00 for verifications and for **second term examination numbers**. You are reminded that the accuracy of your record is your responsibility, so don't hold back, participate!

The **two-week period for reviewing December examinations** and for requesting re-reads expired on Monday 30th January. Only in exceptional circumstances (e.g. if the instructor was unable to meet with you within this period) will you be able to view your December exams or request rereads.

The Quid Novi Nominates Professor Jutras for the Student V. (for very) Happy prize, for the excellent contribution he has made to the opening of discussions on scheduling.

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3661 Peel Street, Montréal, H3A 1W9 (Tel: 398-4430). Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction. This newspaper is printed on 100% recycled paper.

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The most excellent production team this side of Penfield!

Another New Year!

Anne Louie
LLBII

For all of you who are interested in becoming more culturally enriched, Tuesday, January 31st marked the beginning of the Chinese Lunar New Year. FYI, in the Chinese tradition, each year is associated with one of 12 animals. There are many sayings and beliefs on the origin of using twelve animals to mark the Lunar New Year cycle. One interesting legend is that Lord Buddha summoned all the animals before him and named the

years after the twelve animals in the order they appeared, ie. the Rat, the Ox, the Tiger, the Rabbit, the Dragon, the Snake, the Horse, the Ram, the Monkey, the Cock, the Dog, and the Pig.

1995 is the Year of the Pig. Persons born during this year are said to be honest, sincere, gallant, sturdy and courageous. They are popular and sought after because they always seek universal harmony and establish excellent rapport with others. All of you who were born in 1947, 1959, 1971 etc, you're being sought after... doesn't that just make your week? (It sure does

Anne! Thanks! Then again, it's nothing we Pigs didn't already know)

Happy Chinese New Year everyone!

Ed.'s note (another one!): This week was also the Vietnamese New Year. So Happy Vietnamese New Year too. Maybe we should close the Faculty for reasons of universal harmony (Hey! I can't help it, I'm a Pig (supra)). After all, what better way to implement Prof. Jutras' proposals?

Ultra Vires Society

Charles Morgan
BCL II

In September, 1994, the McGill Law *Ultra Vires* Society was born. The idea behind the society was to provide a forum for law students to get together on a largely informal basis, so as to discuss non-legal issues about which the students have expertise or passionate interest.

From the first meeting, the society has proved to be a success. Attendance at the meetings have far surpassed initial expectations, and the discussions have all been lively and thought-provoking. Ian Bird (LLB III) bravely inaugurated our discussions with his reflections on the effect of the current political and economic turbulence on Russian society. He was followed by Deborah Johnson's (LLB IV) discussion of traditional aboriginal

perspectives on Justice. Then, closer to the end of term, we heard both Marjan Ehsassi (LLB III) on the women's movement in Iran and Shelley Kath (LLB I) on environmental lobbying. All those who participated in these discussions can attest to their liveliness and interest, and would certainly join me in thanking the speakers for first term.

La société *Ultra Vires* va certainement se réunir à plusieurs reprises ce semestre, à l'heure et au lieu habituels: 17h, le jeudi, salle 203 NCDH. S'il y a une chose que je souhaiterais pour la société ce semestre, c'est qu'il y ait une plus forte participation de la part des francophones parmi nous (on se dispute aussi bien dans une langue officielle que dans l'autre), et qu'il y ait plus de membres de notre classe en BCL qui entreprennent de mener une

discussion (Je constate que même notre première rencontre de la nouvelle année a été dirigée par un "commoner": Colleen Enache Brown (LLB I)).

Si quelqu'un aimerait mener une discussion ce semestre, ou bien si vous connaissez quelqu'un qui possède une expertise quelconque dans un domaine qui vous intéresse, vous n'avez qu'à m'appeler (au 933-0644), ou bien, me laisser un message sur E-Mail (C_MORGAN@LSA.LAN.MCGILL). En passant, la société *Ultra Vires* est dorénavant "on-line". Donc, si un(e) participant(e) formule des questions ou des commentaires après une réunion, cette personne pourra les faire parvenir directement ou "on-line".

We look forward to this term's Thursday meetings and encourage everyone's participation.

Letters to the Editor

Dear Editor,

I very much enjoyed reading Mr. Jutras' response (in the January 16th Quid Novi) to my column (of the January 9th Quid) as well as Mr. Boodman's response to Mr. Jutras' column. Their responses illustrate the following points.

First and foremost, that contrary to popular opinion, law professors do have a sense of humor. Furthermore, that also contrary to popular opinion, professors are "hip" individuals who read Jodytalk. Another way they could demonstrate their hipness is, as several professors already do, come to Coffee House to hang out after their Faculty Council meeting. In fact, if they really wanted to show just how hip they are, they would ditch Faculty Council to come to Coffee House. On the other hand, the surest way to show how unhip they are is to schedule class make ups during Coffee House.

Secondly, their responses illustrate that just like students, professors often don't pay attention to what they read. Mr. Jutras' column maintains that I suggest professors cancel all their classes during the last week of the semester. What my article clearly says is that a professor dedicate the last meeting of the class to substantive review of the course, as well as a question and answer session. Likewise, (unless the editors have corrected the error) Mr. Boodman has misspelled my name which is Berkes not Burkes. He did this despite the fact that every week for the last year and a half, my name, correctly spelled, has appeared in the Quid, and despite the fact that I was enrolled in his Special K class last semester.

The final thing that we can ascertain from Mr. Jutras' column is that the suggestion that a professor take one day of a 13 week semester to review his or her course will be met with a Swiftian response.

Considering that students often only get one shot during the final exam to determine their grade in a course, it is not unreasonable that the professor take one day to review for the exam. Daniel Jutras is not that much older than the average student, surely he must remember the anxiety we feel around exams. Therefore, I hope that in addition to his "Modest Proposal", he incorporates a realistic review into his classes this semester.

Jody Berkes,
National III

Letter to an Editor,

Dear Faculty via Editor,

I have to say that at the Quid, we are very happy with the recent submissions of professors to our illustrious student paper. No doubt we have in the past received articles which were initially meant for the Law Journal, and since we are just across the hall, we can get to their mail first. Not to say mind you that we are mere renegades from the Journal, for we do not have the same type of target audience. Nor the same type of policy (i.e. or lack thereof). We actually welcome the participation of professors who, through the Quid, can show the student body that they are not only professors, but humans too (well, except when correcting that is). We've actually discovered that we have quite a few comedians in the faculty teaching body (and I mean that as a complement, to be contrasted with my references to their comic talents, i.e. practical jokes, that are played on us at each exam).

It seems that it is Jody who has been eliciting the responses we were hoping to get from editorials. Then again it's no wonder since Jody has been slowly and surely inserting himself into the editorial staff by writing his own editorial comments. Perhaps we should be treating comments to Jody's articles as letters to the editor. Well *an* editor anyway.

I guess I should have talked in my first editorial about class schedules, since out of all the topics in today's controversial world, it generates the most response. Indeed, I could have talked at length about schedules. And in fact I will. You see, I have the most inefficient schedule. I start twice a week at 8:30 (AM!) and twice at 8:00!!!! But wait, it gets better. After finishing at 10:00 every day, I have to wait until 5:30, for my 5:30-7:30 class, twice a week. Of course the immediate response of people is that it was my choice. Not so. Not being a morning person, I would NEVER have opted for this schedule, for after fighting exhaustion for two hours, I am left with a huge break during which I am utterly inefficient (except on Quid Mondays!) because of my early start. It wasn't my choice because of course after carefully selecting my class sections, the schedule was completely rearranged.

And then of course the more convenient sections were closed. You see, it's not that I like to sleep in (although I do), but it's very hard to rise, let alone shine, for an 8 o'clock class when you have work to do the previous evening and therefore cannot retire at 10 PM (my juices just start flowing around that time), are not a morning person, and do not live a 10 minute walk from school. It seems morning people do not understand that the rest of the world does not run to the beat of their body clock. They think we're lazy.

I would just like to point out that I was intrigued enough by this strange breed of people so as to inquire on just how they do it. They're in bed before the witching hour, that's how they do it. Well no wonder, if I had a min. 8 hour night, I might actually resist sleep during the day, no matter how early it started. That is why I must support Prof. Jutras' proposal (I can't endorse Jody's because first he tried taking over the Quid articles, and now the editorial comments, and I therefore am placed in a position of conflict of interest (mine)).

I am glad to see Prof. Boodman is taking this matter seriously, and I must also support his position re second year curriculum. After all, the easiest solution would be to give us our diploma now, no questions asked (by either examiners nor students), and we'll be out of the administration's hair (and the referendum committee's). It's all about compromise, is it not?

I am therefore encouraged by the support of the faculty to our student demands, and since they're in an agreeable mood nowadays, I'd like to take the opportunity to talk about the (low) grading system at McGill Law as compared to other universities. Well, then again, I'll let Jody tackle that subject since he seems to be on a roll. Although I may not acknowledge Jody's positions publicly, I will grant him a new title: Jody-Ombudsman.

Finally, I would like to point out to all students who are not offended by too many early classes, that we later risers have rights too. Don't misunderstand me, I have nothing against 8 AM per se, except that it just comes too early...and that I think the offensive nature of rising at 6:40AM, and that the possibility of postponing the start of the day, was overlooked in the Charter of Human Rights and Freedoms. Hmm, I wonder if, now that individuals are granted standing in the International Human Rights context if we've got a case. After all, many parts of North America (the west coast) have postponed *their* mornings by 3 hours. Now *that's* inequality if I've ever seen any.

Laurence Detière
Editor-in Chief

The one stopping Jody from *completely* taking over the Quid (i.e. he hasn't got a key to the office. HA!)

Editorial

Agir, réagir

Nous essayons bien sur de traiter de sujets parfois délicats dans le Quid, tel que les emplois du temps et le fonctionnement des cours. Cependant, il faut le préciser, il y a d'autres sujets difficiles et certainement plus délicats. Il semble que trop souvent, notamment à la faculté, nous sombrons dans une conformité à l'opinion qui est "politically correct". Nous en avons déjà parlé. Mais rappelons nous que c'est bien l'acceptation de la position normative qui rend le progrès, ou tout au moins l'évolution, impossible. On attribue parfois le manque de prises de position à une certaine hypocrisie, celle de prétendre d'être tous d'accord avec ce qui est "juste". J'attribue cela plutôt à une paresse de l'esprit ou de la personne, qui n'ose penser, ou écrire, ou essayer de voir l'autre côté de la barrière. C'est quelque chose qui en tant qu'étudiante me peine beaucoup car si nous ne pouvons pas discuter ou penser à des choses interdites (dans le sens de parler librement de tous les aspects d'un sujet!) à l'université, où en parlerons nous. C'est peut être notre dernière occasion de discuter librement de choses et d'opinions controversées, tel que la peine de mort, et ses aspects peut être avantageux à la lumière des crises pénitencières actuelles.

Et en tant que futur avocat (j'espère), je suis inquiète de voir l'apathie intellectuelle de certains étudiants, ou tout au moins leur involonté de l'écrire. Alors réagissez. Pour moi, le dicton que nous pouvons parler de tout est utopique actuellement à cause de l'auto-sanctionnement social des années 1990. Qu'en pensez vous? Pensez vous que la "political correctness" stérilise la pensée actuelle. Parlons-en! Et puis dites nous ce que vous pensez de la peine de mort. C'est le sujet d'un prochain éditorial. Donnez aux rédactrices l'occasion de *vous* répondre pour changer.

Laurence Detière

Life in a French Town

Brett Carron
LLB IV

January 7, 1995

Two years ago I read a letter from a McGill student in France. He claimed that studying law in a French university was so impossible that one had to be either crazy or stupid to even bother. He finished the letter however by noting that he was doing incredibly well. Consequently I was left wondering whether the task was less difficult that he had described or whether he was simply a superior human being. Last year, in a state of continued frustration with my progress in French, I decided to find out for myself. I applied to various French universities with "Maîtrise" programs in law, I received permission from McGill to study abroad in fourth year, and I enrolled in a summer French immersion course. Six months later I am in Poitiers, France having survived, sanity intact, the first semester of my Master's in Public Law program.

Poitiers is reputed by its students to have the third best law program in France. This claim is based on a mysterious newspaper review which I've never seen. Rather than speculate on what this rating really means I'll compare Poitiers and McGill, two schools I know relatively well (the latter reputed to be Canada's best or third best university, based on your source). Is it possible to enjoy a year of study in France? Is the system of teaching similar to McGill? What is the night life like in Poitiers? Are the students as cool as at McGill? These are some of the questions I now feel capable of answering.

To begin with the university, leaving enjoyment and night life until later: I chose the Master's in Public Law based on McGill's rule for transferring credits. Specifically, you cannot have already taken the course in Canada if you wish to transfer the credit. Rather than become embroiled in a dispute over whether the French version of "Successions" is radically different than that of Professor Brierley, I decided to simply abandon the entire private law domain and opt for public law. As a result I am studying the French state, the French administrative system, the European Community, and International Trade law (GATT, NAFTA). The Master's program is comprised entirely of course work. There is no thesis. There is also almost no choice as to which courses you can take. Choice emerges only at the level of which minor you opt for. I didn't even blink in choosing "Relations Internationales" over "Aménagement du Territoire".

With 36 hours of lecture each week I was extremely, sometimes recklessly, busy the first term. It was not unusual to begin classes at 8 a.m. and to finish at 7 p.m. That being said, we never went without a two-hour lunch break. I would scramble from class to class, taking notes phonetically, hoping all the time for divine intervention. I became shameless in using my neighbour's notes to guide myself during lectures. I sought out people with good handwriting. I smiled a lot.

The education system in France is different than that of Canada. Students are not inclined and professors do not encourage questions being asked in class. A question

would be a terrible affront to a professor's presentation. Each course is unveiled by way of an elaborate outline or "plan". We move from big to little ideas by way of *la première et la deuxième partie, des chapitres, des sections, des paragraphes, des grands A,B,C, des petits a,b,c*. A question would interrupt the plan, stop the flow of dictation, and worst of all, create a gap in our notes. Although the material is often interesting, the manner of presentation is not. McGill, Canada's third best university, simply has a better pedagogy than Poitiers, France's third best university.

On a personal level, both the professors and the students are friendly, easily approachable and enjoyable to be around. There is a real effort to integrate foreign students. The third Thursday in November is the day that the *Beaujolais Nouveau* is traditionally released. It became an absolute street party here, something akin to Grey Cup Day in Edmonton. Our International Relations professor, Monsieur Cherigny, canceled the class and generously invited all eighty of us to sample the wine with him. We did not stop. The French enjoy celebrating and I have, in Poitiers, enjoyed celebrating with them.

My experience after one semester has been positive. *ça vaut la peine!* If this letter has been too short on details I would be happy to rectify the problem by answering any questions you might have. I am in France at: 37, RUE DE ROCHEREUIL, 86000 POITIERS until the end of June. Je vous souhaite une bonne année.

Du bon usage de 8 à 5 (huit mois sur douze)

TO: Martin Boodman
Chair Curriculum Committee

FROM: John Saywell
Student member, Curriculum
Committee

SUBJECT: Professor Jutras' proposals re.
scheduling

practitioner vacationed in any part of the world below the 49th parallel, or above 5,000 ft above sea level, he or she shall be deemed capable of fully performing his or her teaching functions, or at least as capable as any *Bon Pere de Famille*, based on a subjective criteria of what in fact is construed by the term *material*.

Classes should be canceled:

Whenever the faculty member or practitioner-instructor (or both) is either vacationing south of the 49th parallel or above 5,000 ft ASL, or giving a conference in circumstances where Faculty Interpretation Bulletin "FIB" #488 would deem such conference to be equivalent to what is construed as vacationing, by a subjective standard, the burden of proof lying with the person alleging the violation of the rule. Of course, where any circumstances are beyond the control of the professor, or fall within four working days of a civic or religious holiday recognized, quasi-recognized or potentially conditionally recognized through the exercise of the professors utterly unfettered discretion, no burden of any kind, matter or substance, presumptive or not, shall lie against the professor.

No classes shall be scheduled or rescheduled:

Whenever such scheduling might coincide with meetings of Faculty Council, Faculty committees, or prior engagements, conditional of course on the said professor attending such functions. Due to the obvious substantial and insurmountable administrative consequences, the Faculty unfortunately cannot contemplate extending this privilege to students silly enough to actually volunteer to sit on Faculty Council or Faculty committees. And of course we know all serious McGill students would not ever consider actually making any "prior engagements" (- to do what?) Furthermore, where classes can in fact be scheduled, (we suggest all remaining free Thursdays after 4 p.m., it will help curtail student debauchery in the Common Room and improve study habits!)

such schedules should not be posted prior to the morning of the day of the class, because it is common knowledge that early postings just confuse students and lead to illegitimate expectations when they inevitably have to be changed any number of times.

In addressing these issues, I think the Curriculum Committee should also reexamine whether the traditional conception of what counts as "Faculty" is still relevant in today's changing economy. There is some merit in applying the double aspect doctrine to find that faculty members are in fact only deemed "faculty" when in the public domain of Chancellor Day Hall. While they remain in their offices with the door closed, and are careful not to answer the phone, it is contended that they are not faculty. This conception has the advantage of limiting the authority of the above rules, or any others for that matter, to professors in their faculty aspect only, and would allow professors more time to pursue professional or personal activities of any other aspect.

There is strong authority for this point of view and faculty should expect a good reception before the senior courts where a number of professors inevitably end up retiring. Care should be taken however that professors do not hold themselves out as "faculty" while pursuing such activities as running political campaigns or teaching in the third world, as this would suggest a conflict of the double aspect and then someone would have to start looking for some sort of paramountcy - a rather bothersome prospect in today's political climate!

I hope this is helpful, and I thank the committee for its careful consideration of my proposal.

I read with great interest the memo which Professor Daniel Jutras published in the QUID after he had read "with great interest the article written by Mr. Jody Berkes in the QUID", (this could get repetitive!). I too believe that we should perhaps look more radically along the lines proposed by both Berkes and Jutras, and give more formal recognition to a few of the implicit norms of scheduling and teaching in this Faculty.

No new material should be taught in any given year:

Unless the professor has been given a sabbatical the preceding year to conduct cutting edge research in the area and thus be prepared to update the casebook with more recent and more relevant material. (Teaching notes do not require updating.) Of course once the professor's work has been cited in a Supreme Court decision, that material should then be considered more important than anything more recent or more relevant and would therefore exempt said professor from updating within say a ten year period thereafter immediately following (i.e. no extinctive prescription against original authority.)

No material at all should actually be taught in a given week:

Unless the practitioner-instructor has had a reasonable week in the office, i.e. not resulting in more than 50% more than the standard week demanded of the regular faculty members in the latter's employment contracts. However, if during the two weeks precedent conditional to the week in question the

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I read with great interest the memo which Professor Daniel Jutras published in the QUID after he had read "with great interest the article written by Mr. Jody Berkes in the QUID", (this could get repetitive!). I too believe that we should perhaps look more radically along the lines proposed by both Berkes and Jutras, and give more formal recognition to a few of the implicit norms of scheduling and teaching in this Faculty.

No new material should be taught in any given year:

Unless the professor has been given a sabbatical the preceding year to conduct cutting edge research in the area and thus be prepared to update the casebook with more recent and more relevant material. (Teaching notes do not require updating.) Of course once the professor's work has been cited in a Supreme Court decision, that material should then be considered more important than anything more recent or more relevant and would therefore exempt said professor from updating within say a ten year period thereafter immediately following (i.e. no extinctive prescription against original authority.)

No material at all should actually be taught in a given week:

Unless the practitioner-instructor has had a reasonable week in the office, i.e. not resulting in more than 50% more than the standard week demanded of the regular faculty members in the latter's employment contracts. However, if during the two weeks precedent conditional to the week in question the

practitioner vacationed in any part of the world below the 49th parallel, or above 5,000 ft above sea level, he or she shall be deemed capable of fully performing his or her teaching functions, or at least as capable as any *Bon Pere de Famille*, based on a subjective criteria of what in fact is construed by the term *material*.

Classes should be canceled:

Whenever the faculty member or practitioner-instructor (or both) is either vacationing south of the 49th parallel or above 5,000 ft ASL, or giving a conference in circumstances where Faculty Interpretation Bulletin "FIB" #488 would deem such conference to be equivalent to what is construed as vacationing, by a subjective standard, the burden of proof lying with the person alleging the violation of the rule. Of course, where any circumstances are beyond the control of the professor, or fall within four working days of a civic or religious holiday recognized, quasi-recognized or potentially conditionally recognized through the exercise of the professors' utterly unfettered discretion, no burden of any kind, matter or substance, presumptive or not, shall lie against the professor.

No classes shall be scheduled or rescheduled:

Whenever such scheduling might coincide with meetings of Faculty Council, Faculty committees, or prior engagements, conditional of course on the said professor attending such functions. Due to the obvious substantial and insurmountable administrative consequences, the Faculty unfortunately cannot contemplate extending this privilege to students silly enough to actually volunteer to sit on Faculty Council or Faculty committees. And of course we know all serious McGill students would not ever consider actually making any "prior engagements" (- to do what?) Furthermore, where classes can in fact be scheduled, (we suggest all remaining free Thursdays after 4 p.m., it will help curtail student debauchery in the Common Room and improve study habits!)

such schedules should not be posted prior to the morning of the day of the class, because it is common knowledge that early postings just confuse students and lead to illegitimate expectations when they inevitably have to be changed any number of times.

In addressing these issues, I think the Curriculum Committee should also reexamine whether the traditional conception of what counts as "Faculty" is still relevant in today's changing economy. There is some merit in applying the double aspect doctrine to find that faculty members are in fact only deemed "faculty" when in the public domain of Chancellor Day Hall. While they remain in their offices with the door closed, and are careful not to answer the phone, it is contended that they are not faculty. This conception has the advantage of limiting the authority of the above rules, or any others for that matter, to professors in their faculty aspect only, and would allow professors more time to pursue professional or personal activities of any other aspect.

There is strong authority for this point of view and faculty should expect a good reception before the senior courts where a number of professors inevitably end up retiring. Care should be taken however that professors do not hold themselves out as "faculty" while pursuing such activities as running political campaigns or teaching in the third world, as this would suggest a conflict of the double aspect and then someone would have to start looking for some sort of paramountcy - a rather bothersome prospect in today's political climate!

I hope this is helpful, and I thank the committee for its careful consideration of my proposal.

Jody Talk

We pick up the story of our hero Jody the afternoon ex post Pub Crawl.

The Agony of Defeat

The season had boiled down to this, the meeting between us and Laval in the semi finals. All that stood between McGill and the Law Games Superbowl was 40 minutes, and 2500 lbs. of vicious law students. When I arrived for the warm up I could see Laval out there like some seething, writhing, stomping dragon, exhaling huge plumes of vapor. I could see my team standing around talking with the referee. It turned out that the referee was in the process of ejecting Mario and Noah as artificial team enhancements. No amount of reasoning was going to have any effect on them, and our team had just been gutted. The field was covered in three inches of ice water, and the wind was starting to pick up. I knew we would have to strike early if we were to carry the day. "30 red 30 red," I barked out, "...hut hut!" My vision scanned from left to right making out my receivers I hit Dave going long for the endzone, where he caught it touchdown! I saw the ref waving off the call, catch out of bounds. Three days in this league and this was the first I'd heard of out of bounds. I asked the ref to point out the sideline to me and all he could show me was the green slate of the tennis court underneath the ice slush we were playing in. "Hey Pete! I don't know what you've been smoking, but save some for me!" I was demoralized and my cannon was wearing out. We fought a pitched defensive battle with the other side, J.P. captaining our no-name D. Regulation time had run out and we were in sudden death. The water covering the gridiron had long since turned my feet to blocks of ice, my hands were numb from holding the water laden ball, and Laval was sending wave after wave of defenders at me. We came to the line and the D had read my play, though I didn't know it. Interception, touchdown! I sank to my knees, while a wave of nausea passed through my body as the realization dawned on me that I had blown the game. The agony of defeat is a bitter pill to swallow.

Ravers and Disco Delight

I was still dejected from the game when I boarded the bus to the Rave/Disco. To further darken my mood the rest of the bus was dominated by Sherbrookers. Great I thought, I'll have to listen to 45 minutes of sophomoric cheers. Oh, would the agony never end! Magically as if my prayers were answered it did. I reached into my coat pocket and found that my friend, Old Number 7, shook my hand. We had a little chat and my mood began to improve. As we pulled away from the curb Sherbrooke broke into one of their many, annoying cheers. I closed my eyes and settled back into the vinyl of the seat (kind of like the stuff covering the chairs in the moot court) to ride out the buzz. My head snapped back when I heard, "Ice cold beer makes me want to cheer..." Martin was leading the McGill bus contingent in cheers, and displaying more spirit than I'd seen in all previous law games combined! If only the judges had been there to see it, we'd show them that a bunch of well educated law students can beat a big pink dildo anytime. The normally apathetic, meek McGill crowd was transmogrified into a growling, screaming beast that would give Sherbrooke no mercy. We hit them with "The Most Annoying Cheer in the World" 1, 2 combination. When we had softened them up we came in for the knockout with, (Thanks to Kenny Rogers, "The Gambler", for the tune and Sarah, Barbara, Wade, Jonas for the words.)

Know when to hold chunks,
know when to blow chunks,
Know when to walk to the can,
know when to run.
You never woof your cookies,
when you're sitting at the table.
They'll be time enough for
puking when the drinking is
done.

Ooh, huuur! McGill is on the
puke path!
Ooh, huuur! McGill is on the
puke path!

By the time the bus arrived at the party Sherbrooke was reeling! Ah, the thrill of victory.

When I got to the door to be let in to the party there was another problem. The knuckle dragger guarding the door thought that I didn't look like the 3 foot Iguana pictured on my pass. I said, "Well Pete, back when that picture was taken I had long hair, it's short now you see." "Oh. I guess that you're right." He replied. I flicked him a double, "eryting" and sauntered into the party.

I went to the Rave room first and my eyes immediately settled upon the most beautiful woman I had ever seen. I watched her standing there in the corner, seductively twisting her cigarette into a long holder. She took a sip of her drink and I saw those ruby red lips kiss the side of the cup and her tongue dart out of her mouth and lick those same lips. Her legs were long and lean, dressed in tight black stockings and high heeled platforms. She was heaven on earth, and I decided to go and talk to her. When I got there I saw her head tilt back and a giggle escaped her lips like the tinkling of silver bells. We danced and I was amazed at the powerful grace wrapped up in that tight, little purple dress. As the evening wore on I knew there was something different about this woman, perhaps it was the fact that the woman was Yanick and that she was a he! Rizzo came up to me. "Hey jerkey, whose the babe." I replied, "Don't waste your time she pees standing up. Besides, she wouldn't fall for your old cheap moves." He retorted, "I have all new cheap moves!" and sauntered away to try his luck on the next poor unsuspecting victim.

Rosenberg and Rizzo didn't really need to find any babes tonight because they had more fun than human should be allowed to have playing laser tag earlier in the day. When I ran into Rosenberg he told me that the two of them had discovered that when you got hit in laser tag the vest vibrated for a few seconds. Apparently the two of them ended up strapping the vest around their hips and screamed at everyone to shoot them! Ah, cheap thrills.

I don't know how it happened, but I ran into a reporter, Andrew Hilton, covering Law Games for the Lawyer's Weekly. When I asked him what he thought of Law Games he replied, "This is the most pathetic rationalization for a drunkfest I've ever seen..." With all due respect for his opinion, I've been to several drunkfests, and stumbling, half

Boodman Schedules Back

January 13, 1995

Dear Professor Jutras,

Re: Scheduling and Curriculum

I want to thank you for your thoughtful and insightful memorandum dated January 13 which not only confirms suspicions I have about the nefarious effects upon the law professoriate of teaching Foundations, but also provides much needed direction for the Curriculum Committee which under my leadership, I am afraid to say, has been languishing under the guise of reforming non-course credits and the second year programme. I believe we are at the stage of trying to determine exactly what constitutes second year - is it chronological or is it systemic? If the latter, is it to be determined by calculating groupings of credits? Prior to receiving your missive, I was tending to identify second year counting backwards from the year of a student's convocation.

Frankly, I had the same reaction as you did to the article by Mr. Berkes, but until your communication I could not channel the impetus for reaction into a concrete proposition. Your epistle has provided me with much needed inspiration for curriculum reform which would serve not only to alleviate the lamentable temporal problems of our students, but also eliminate the agenda of the Curriculum Committee for the 1994-95 academic year (I am sure we all would agree that the purpose of a committee is to eliminate its own agenda). For this, I must pause to express my unmitigated and rabid gratitude. Thank you, Daniel!

My modest curricular proposal

(again inspired by you and Mr. Berkes) is that we expunge all course courses (as opposed to non-course courses) from the second year of the law programme. Students would still have to register for the course course credits and be responsible for the content of such course courses, but no old or new (borrowed or blue) material would be taught because no material would be taught at all during that year. In this manner, students would have a full academic year to prepare for exams or other form of evaluation. There would be no scheduling or classroom seating problems, no difficulty as to oversubscribed course courses. Not only could students acquire the big and small pictures at their leisure, but they would not be limited to the last day or week of classes for this project, as suggested by Mr. Berkes.

The professoriate and faculty would benefit in innumerable and obvious ways. For example, we could ostensibly take on any number of course course credits in that year without impeding our research and writing goals. Sabbaticals would be a matter of "teaching" only second year courses in a given year. This would permit rotation of faculty members into "core" or semi-obligatory courses with little inconvenience and prevent the loss of 10% of our salaries. Further, the university and faculty would receive tuition and grants based on the number of students registered which would diminish in no way. Undoubtedly, you can imagine other meaningful gains from my suggestion.

As you can see, the elimination of

course courses from second year would resolve all of the Curriculum Committee problems for this year. The second year curriculum would not be burdensome and would not require further modification. All courses in that year would be non-course courses and therefore, the only rule necessary would be to limit all non-course courses to second year.

There are two outstanding problems to be resolved. The first is a method of identification of "second year" courses. To avoid some of the unseemly errors evident in the most recent Quebec civil law codification, we should assiduously eschew over-definition. While more thought is needed regarding this particular matter, the de-definition of second year would create greater flexibility for both students and faculty members alike. The second problem (as usual related to the first [please see all my publications]) is a matter of converting the whole law programme into non-course course courses. This, alas, will be my legacy to next year's Curriculum Committee.

Fully acknowledging the enormous debt which we all owe to you for your concern, I have taken the liberty of sending copies of this note to Dean Toope and Associate Dean (Academic) Harvison Young in anticipation of instructions to proceed with implementation.

Yours,
Martin Boodman

(Continued from page 1)

system we must agree to a contract that requires us to forfeit our, name address, school etc... For the minority amongst us who can still trust an information hungry data-base monopoly we even have opportunity to give Quick Law our credit card number and expiry date.

On top of putting-out to get Quick Law so we can get our Legal Research and Writing Credits, the contract of adhesion that we must agree to, in order to do our work, to get the credits is "governed by the law of Ontario". Ontario has not had half the hoopla we have had here in Quebec regarding the revamping of privacy in private law. Too bad - we still have to push our little electronic thumbs to the page.

I know that once we become members of bars and bistros we will eventually have to go public and give out our personal information as part of our professional responsibilities.

However, until we choose to go public and join the Quebec Bistro or some other bar, we should be capable of completing our academic responsibilities within the faculty without giving our name to the Quick Law data vacuum-cleaner.

Mark my words cofreres, from these addresses which the faculty is requiring us to give to Quick Law, will flow a pleasant stream of glossy junk mail probably including credit-card offers, law-book pitches and other marketing trash aimed at capturing a section of the top one percent of the "most informed" and on-line youthful spenders of our nation.

We know that it is perfectly possible to give student access to Quick Law without giving Quick Law access to students, but we missed the boat this year. Twenty bucks says Quick Law will keep your name and general information from the moment you log on this year to a few months

after you die when notice of your expiry trickles down through the electronic web to QLHQ. I suppose it is like being born again. Whose life is it?

We are all lathered up and gleefully sliding into the Quick Law on-line service with smiles on our faces that are reminiscent of 1950s ads for Domtar in National Geographic boasting chemicals for cleanliness. In a few years, when the National Assembly makes home-viewscreens mandatory, for some pressing purpose such as "techno-linguistic progress" I will tape a copy of this article to the camera in my home until the video-language police come and fix things up. Until then, I encourage second year students to boycott signing onto Quick Law. In the alternative, bon voyage and may we all expire late.

Jody Talk

(Continued from page 8)

hung over, around a sports field all day, in order to drink all night, is as good an excuse as any I've run across.

Doc Martens v. Wingtips

Having been eliminated from all of our events the previous day, Rizzo, Rosenberg and I set off to see where the Supremes sing. The courtroom had high walls and ceilings, paneled in rich oak, while the chairs were accented in red leather. The whole room had the imposing feel of age and wisdom right down to the old and musty smell (whoops that was the men's hockey locker room.) I met the plaintiff and defendant's mouthpieces outside the court. I have to say that my sympathies for the underdog led me to identify with the plaintiff's counsel, Jeffrey J. Simpson Esquire, right off the bat. There were a couple of other things that reinforced this natural tendency of mine. I was particularly impressed, that instead of the good old boy, uptight wingtips worn by defendant's

counsel, Christopher Q. Wayland Q.C., plaintiff's counsel chose, Doc Martens, the symbol of our rebellion. Additionally, I felt an instant camaraderie when he showed me that his pleadings, like my notes for Jodytalk, were written on the back of a room service menu.

The fight was about to start so Rosenberg, Rizzo, and I set off to find our seats. The bench was raised above the rest of the room and the judges were going to sit in red, high backed chairs that would have gone a good foot over even Wilt Chamberlin's head. Rosenberg explained, "The reason they got the chair backs up so high is so that the judges don't get whiplash from a legal argument hurled at them by some wanabee articling student." Rizzo countered, "Hey jerky, you got it all wrong. The reason they have the big chairs is because of Captain Kirk envy!" We all stood as the judges entered the room, and when the clerk introduced Chief Justice L'Heureux-Dubé of the Quebec Supreme court, everyone had a Freudian smile on his or her lips.

The battle was fierce, Simpson beginning his argument a little stiffly, but warming to his task quickly. By the end of the argument he was talking as slickly as a used car salesman trying to unload

his low mileage mother in law. Wayland, not to be outdone also made proper use of the word "elucidated", which Simpson had first coined in his speech. Their lizard tongues darted out as they spit venom at themselves and the bench. Finally, they began tearing at each other's tails and biting furiously. I've never seen two cold blooded reptiles tear each other to pieces in that manner. I had to get out of there or they would start tearing at me...

At this point Jody Berkes had to be escorted from the room and sedated. He is recovering from his Law Games experience, and should be fully functional by reading week. The editors send him their best wishes for a speedy recovery.

Jody is a third year Law student who, despite popular belief, does not live out of milk crates.

WORDS FROM WOMEN AND THE LAW

Janet Ozembloski,
Nat IV

Women and the Law, in conjunction with the Quid Novi, is waiting to hear from you! The January blabs are over, Law Games are a memory, and exams are 2 months away, so there are no excuses for not putting pen to paper (or fingers to keyboard) and airing your views in the International Women's Week Edition of the Quid Novi. We want to hear from everyone, that's the point of this Quid. Whether you're a man, woman, feminist, radical feminist, don't consider yourself a feminist, or don't like to be labelled, we welcome your submissions. We're not looking for lengthy philosophical dissertations, we just want to publish your THOUGHTS, ARTICLES, POEMS, IDEAS, and anything else you've been wanting to say but had no forum in which to say it. From global issues such as women's rights in an international context, to issues close to home such as gender neutral language in the classroom, the topic is your choice. Maybe you'd like to

share an important experience you had. Whatever you have to say, get it into the QUID by FEBRUARY 27th, 10 a.m. AT THE LATEST. The guidelines for submissions follow the normal QUID guidelines. The International Women's Week Edition will come out on March 2, 1994, so start thinking now.

For those of you who don't know, International Women's Week takes place from March 6th to March 10th, and Women and the Law is working on activities for that week right now. Sheena Bassani is co-ordinating the week along with her committee, however, they could use all the help they can get. If you would like to lend a hand, please contact Sheena at 288-9759, or leave your name and number in the Women and the Law Box in the L.S.A. The week's events will be publicized in the coming month.

We would also like to announce a GENERAL MEETING for Women and the

Law on Monday, February 6, at 1:30 p.m. in Room 200. Everyone is welcome!

Last, but not least, we would like to express our appreciation to the women who organized the commemoration for the women of the Ecole Polytechnique on December 6th at Chancellor Day. Sarah Lugtig, Karen Cheong, and Emily McCarthy helped us to remember a day which should never be forgotten, and they deserve our thanks, along with all of you who volunteered your time to distribute ribbons. We would also like to thank those faculty members observed a moment of silence in their classes on that day. Finally, thanks to all of you who made donations. Over \$100 was raised, and was donated to the Montreal Women's Centre.

Well, that's all for now. The McGill Caucus of Women and the Law looks forward to hearing from you in the Quid, and to seeing you at our meeting and upcoming events. Come out and show your support!

Annie Macdonald Langstaff Workshop

Sylvie Bourgeois
B.C.L. I

On Wednesday, January 11, 1995 students and professors of our Law School had the pleasure of welcoming Mrs. Twila Perry, a professor of law at Rutgers State University in Newark, New Jersey. Professor Perry is a dynamic woman whose interests pertain to family law, tort law and feminist legal theory.

Her discussion focused on a new trend in the United States where one of the spouses suffers from emotional harm (in most cases the woman) and seeks legal

redress after the end of the relationship. Professor Perry is a very articulate speaker who, I believe, captured the audience's attention. With simplicity, she gave pertinent examples in order to make us see the social implications related to these actions in emotional distress.

In particular, she made us realize the difficulties of defining emotional harm. Then she questioned whether anyone should recover money for emotional distress, for part of loving could be considered as accepting the risk of being hurt. On the contrary, if we support these types of actions, do we need to consider women's

harms as different from men's? It appears that the new receptivity of the courts to actions in emotional distress will raise many interesting issues in the future. For those of you who would like to know more, Professor Perry is currently working on a paper dealing with this area of law; it should be published very shortly.

The next Annie Macdonald Langstaff Workshop is scheduled for March 1, 1995. Hester Lessard of the Faculty of Law of the University of Victoria will focus on equality theory and sexual harassment.

Notice to Students Concerning Paper Extensions

Dean Stephen J. Toope

Associate Dean Harvison Young and I are concerned about the number of extension requests which were made last term, and more specifically about the circumstances giving rise to some of these requests. A considerable number of students ran into difficulty at the end of the term because they had registered in too many essay courses, or because they had overcommitted in other ways. We must emphasize that students are responsible for

choosing their courses and planning their workload. Students who are unsure about the advisability of a particular course load or number of essays should seek advice from Associate Dean Harvison Young early in the semester.

As you may recall, the deadline for essay submission was, until last year, the last day of classes. The deadline is now five (5) working days before the end of the exam period. This change was made to allow students to take advantage of any breaks

during the exam period, and the idea was that extensions should accordingly be highly exceptional. The spring deadline this year will be **Friday, April 21 at 5:00 p.m.** The penalty for late submissions is one grade increment per day (eg. B to B-, etc.). In fairness to the vast majority of students who do meet the deadlines, extensions will be granted only exceptionally on "medical certificate or analogous circumstances" (*Faculty Academic Regulations*, s.27).

MESSAGE FROM THE LIBRARY

The following was written in response to some comments in the Law Library's Suggestion Book about the recent increase in photocopy prices.

Patricia Young
Law Librarian

re: PHOTOCOPIERS AND THE BUDGET

I understand the frustration expressed in recent comments in the Law Library's Suggestion Book about the Library's photocopying facilities. I have been unable to respond more quickly as I have been out of the country for several weeks. I apologise for the delay. Before discussing the cost and quality of photocopies, perhaps I should clarify that the photocopiers are acquired and managed by the Office of the Director of Libraries. The debit card dispensers are owned by the Library System, but are managed by Sadie's which receives a commission for ensuring their day-to-day operation. The Law Library does not have direct control over decision-making affecting this equipment.

Income from use of the photocopiers is used to pay for the commission to Sadie's, supplies (paper and ink), maintenance and upgrades to equipment. The decision to upgrade is made by the Director's Office and is based upon the usage and the performance, or lack thereof, of individual machines. The bulk of any profit after expenses is diverted to library collections, that is the acquisition of new books and serials for individual libraries.

The complaints centre on two things: the quality and reliability of the photocopiers in the Law Library and the cost of copying generally.

There is no doubt that there is a problem with the quality and reliability of the equipment. The Director of Libraries has lodged forceful complaints with the management of Savin Canada concerning the performance and service of their copiers. We have been assured that things should have improved by now. The situation is being carefully monitored. Your help in identifying problems with the equipment is always appreciated. The decision-making behind the cost increase is more complicated. To

understand this, you need to understand how the current budget crisis at McGill is affecting its libraries. For the past several years, the University has made a concerted effort to reduce its extremely large accumulated deficit. Much progress has been made but not without a very real impact on the Library System, its collection and services.

The collections budget has suffered for years because of external forces over which we have no control, such as annual price increases several times the rate of inflation, the falling Canadian dollar, the imposition of taxes on books. We are coping with this by re-examining our subscriptions (now about 90% of our annual collections expenditures), cancelling lesser used materials and negotiating resource-sharing agreements and advantageous interlibrary loan agreements with other Canadian law schools. McGill law students can now take advantage of virtually free ILL thanks to these efforts.

The Library System has faced regular cuts in its base operating budget. This has affected all Library operations except the collections; that is salaries, supplies, equipment, etc. In order to protect cuts in our already beleaguered buying power for books and serials, the Libraries have sought to make savings through such things as the merger of smaller libraries with larger libraries, by not filling any staff vacancies on a permanent basis, by cutting library service hours. We have also sought to increase revenue through cost recovery measures such as a rise in the cost of borrowers' cards for non-McGill users. The possibility of the Law Library instituting further measures of recovering costs from the local legal community is currently under discussion.

In 1994/95 the Libraries have had to absorb a permanent cut of over half a million dollars or approximately 4.4% of our non-collections base budget. We are facing an additional cut of \$720,000 in 1995/96 - again to our base budget and, again, we are committed

protecting collections. This amounts to a cut to the non-collections base budget of 10.7% in just two years. We can expect up to a further 20% cut over the next few years. If this comes to pass, and it will if the University is to reduce its enormous deficit, it will cripple the Libraries. We exist for the students and faculty. Believe me, whatever steps we take are intended to enable us to continue to offer you library services.

In November, the Director of Libraries was required to present to the University Budget Planning Group (BPG) his plan for dealing with the expected cuts for the coming year. Among the proposals submitted were continued cuts through retirements/position abolitions, co-operative purchases of supplies with other Montreal area university libraries and, much to my regret, changing from the use of recycled paper to newly manufactured paper which is less expensive. In addition to this he proposed the increase in the cost of photocopying. Following the general approval of his presentation to BPG, these steps have since been implemented.

I have been asked to justify the increase in costs. All I have done is try to explain the choices the Library System is facing. I think that the alternatives of shrinking collections further or not providing our users with services such as long opening hours, shelving, evening circulation, interlibrary loan are worse evils than raising the costs of photocopying. We are not trying to gouge our students. We are merely trying to find a way of keeping basic library services going. We are not doing this for ourselves - but for you.

Any suggestions you might have to help us solve the problem of meeting such enormous cuts would be most appreciated.

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